

REMARKS

Claims 21-34 and 39-44 are pending in the Application. Claims 21-23, 28, and 30 have been amended. Claims 35-38 have been cancelled without prejudice. Claims 39-44 are newly added. Independent claim 21 has been amended to recite the claimed feature wherein the operation of steering the distal end of the cannula includes manipulating a proximal end of the first elongate member by pulling the proximal end of the first elongate member relative to the cannula. By pulling (i.e., applying tension) on the attached first elongate member, the distal end of the cannula will bend, thus allowing steering. Support for this claimed aspect may be found in the specification at, for instance, ¶ [0030]. Independent claim 28 has also been amended to recite that the manipulation of the proximal end of the cannula further includes one of applying tension to the first elongate member or releasing tension in the first elongate member. Again, support for this aspect may be found in the specification at ¶ [0030].

Dependent claims 22, 23, and 30 have been amended to correct a grammatical error (extra "the"). Claims 35-38 have been cancelled without prejudice. Claims 39-44 are newly added. Claims 39 and 42 depend from independent claims 21 and 28, respectively, and recite the feature wherein the distal end of the first elongate member is detachably attached to the cannula by inflating an expandable member disposed on the first elongate member. Support for this can be found in the specification at ¶¶ [0029]-[0033] and FIGS. 1A-1C, and FIG. 2. Newly added claims 40 and 43 depend from independent claims 21 and 28, respectively, and recite the feature wherein the distal end of the first elongate member is detachably attached to the cannula by inflating an expandable member disposed on the cannula. Support for this can be found in the specification at ¶¶ [0034]-[0036] and FIGS.

3A, 3B. Newly added claims 41 and 44 recite the claimed feature wherein the object or substance is delivered to the body through the first cannula lumen while the first elongate member is disposed therein. Support for this aspect may be found in the specification at ¶ [0032] and FIG. 1C.

Turning now the Office Action, claims 35-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,498,239 (Galel et al.) in view of U.S. Patent No. 5,993,424 (Lorenzo et al.). This rejection is now moot in light of the cancellation of claims 35-38. Claims 24-27 and 28-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Galel et al. Applicants respectfully traverse this rejection.

Galel et al. discloses a steerable catheter that uses an outer catheter body and an inner tubular guiding member that protrudes from an opening at the distal end of the catheter. See FIG. 1. The tubular guiding member can be expanded upon pressurization to seize the interior of the catheter body, rendering both units movable as a unit. Pressurization of the tubular guiding member causes curvature or rotation of the portion of the tubular guiding member located beyond the distal end of the catheter body. See FIG. 2. Curvature or rotation of the tubular guiding member is caused by the reaction force from the jet of pressurized fluid that exits a port (16) located in the side wall of the tubular member. See Col. 5, lines 40-45. Galel et al. discloses another embodiment in which a shape memory element is incorporated into the tubular guiding member to form a curved configuration in a relaxed state and a straight configuration when pressurized fluid is applied to the tubular guiding member. See Col. 7, lines 16-26 and FIGS. 8 and 9.

Galel et al. thus discloses a steerable catheter that uses a tubular guiding member that projects out the distal end of a catheter and is selectively curved or rotated by

application of a pressurized fluid to the tubular guiding member. The steerable nature thus results from the tip portion of the device – not the catheter body. In contrast to the device and methods of Galel et al., Applicants' claimed method uses tension between the first elongate member and the cannula to manipulate or steer the apparatus. For example, as explained in the specification, Applicants' claimed method is able to bend the cannula itself at the distal end by pulling proximally on the first elongate member. See Specification, ¶ [0030]. Releasing tension in the first elongate member causes the distal end of the cannula to return to its original shape. Id.

Both independent claims 21 and 28 have been amended to more particularly recite the aspect of the tensioning operation used to effectuate steering of the catheter. In contrast, the Galel et al. device is not steered by applying tensioning (or releasing tension) in the tubular guiding member. As described above, a curved or shaped distal tip is created by the portion of the tubular guiding member that extends beyond the distal end of the catheter. There is no disclosure or suggestion in Galel et al. that any tensioning or pulling of the tubular guiding member is used to bend or position the catheter.

Applicants also note that newly added dependent claims 40 and 43 recite an embodiment in which an expandable member located on the cannula is inflated to detachably attach to the distal end of the first elongate member. Galel et al. fails to disclose or suggest any device or method in which an expandable member is located on the catheter. The same applies to newly added dependent claims 41 and 44 which recite the operation of delivering an object or substance to the body through the first cannula lumen while the first elongate member is disposed therein. This feature is absent from Galel et al. For at least these reasons, these claims are patentable over Galel et al.

In light of the Amendments and Remarks made herein reconsideration of the pending claims is requested. If there are any questions concerning this paper, please contact the undersigned at (949) 724-1849 (x. 104).

Respectfully submitted,

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